

Senate Study Bill 1085

SENATE FILE _____
BY (PROPOSED COMMITTEE ON STATE
GOVERNMENT BILL BY
CHAIRPERSON ZIEMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the use of titles pertaining to physical
2 therapy and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2004SC 80
5 kk/cl/14

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1 1 Section 1. NEW SECTION. 148A.7 FALSE USE OF TITLES
1 2 PROHIBITED.
1 3 A person or business entity, including the employees,
1 4 agents, or representatives of the business entity, shall not
1 5 use in connection with that person's or business entity's
1 6 business activity the words "physical therapy", "physical
1 7 therapist", "licensed physical therapist", "physiotherapist",
1 8 "registered physical therapist", "doctor of physical therapy",
1 9 "physical therapist assistant", "physiotherapist assistant",
1 10 "licensed physical therapist assistant", "registered physical
1 11 therapist assistant", or the letters "P.T.", "L.P.T.",
1 12 "R.P.T.", "D.P.T.", "P.T.A.", "L.P.T.A.", "R.P.T.A.", or any
1 13 other words, abbreviations, or insignia indicating or implying
1 14 directly or indirectly that physical therapy is provided or
1 15 supplied, unless such services are provided by or under the
1 16 direction and supervision of a physical therapist licensed
1 17 pursuant to this chapter. Notwithstanding section 147.74, a
1 18 person or the owner, officer, or agent of an entity that
1 19 violates this section is guilty of a serious misdemeanor, and
1 20 a license to practice shall be revoked or suspended pursuant
1 21 to section 147.55.
1 22 Sec. 2. Section 148A.3, subsection 1, Code 2003, is
1 23 amended by striking the subsection and inserting in lieu
1 24 thereof the following:
1 25 1. A person licensed to practice a profession as defined
1 26 in section 147.1 who is engaged in the practice of the
1 27 person's profession if that person does not represent, imply,
1 28 or claim that the person is a physical therapist,
1 29 physiotherapist, doctor of physical therapy, physical
1 30 therapist assistant, or physiotherapist assistant, or that the
1 31 person is a provider of physical therapy.
1 32 Sec. 3. Section 148A.3, subsection 5, Code 2003, is
1 33 amended by striking the subsection.
1 34 Sec. 4. Section 148A.6, subsection 1, Code 2003, is
1 35 amended by striking the subsection.
2 1 EXPLANATION
2 2 This bill prohibits the use of certain titles,
2 3 descriptions, and abbreviations by a person not licensed as a
2 4 physical therapist, or by a business entity, unless the
2 5 services are provided by or under the direction of a licensed
2 6 physical therapist. The bill designates the penalty for
2 7 violations as a serious misdemeanor and the revocation or
2 8 suspension of a health-related license to practice. A serious
2 9 misdemeanor is punishable by confinement for no more than one
2 10 year and a fine of at least \$250 but not more than \$1,500.
2 11 Current law provides that a person falsely claiming any title
2 12 or abbreviation of a health-related profession such as a
2 13 physical therapist commits only a simple misdemeanor which is
2 14 punishable by confinement for no more than 30 days or a fine
2 15 of at least \$50 but not more than \$500 or by both.
2 16 The bill strikes an itemization of licensed persons and
2 17 massage therapists, as exempt from the definition of physical
2 18 therapy, and replaces the itemization with a general exemption
2 19 for all persons with a health-related license to practice so
2 20 long as the person does not misrepresent the person's self as
2 21 being a physical therapist or a provider of physical therapy.
2 22 The bill also strikes a prohibition on the use of titles as a

2 23 physical therapy assistant as duplicative.
2 24 LSB 2004SC 80
2 25 kk/cl/14